



# UNITED STATES PATENT AND TRADEMARK OFFICE

SW  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/282,764	03/31/1999	JAY PONTE	GTE-99-808	9068
32127	7590	11/13/2003	EXAMINER	
VERIZON CORPORATE SERVICES GROUP INC. C/O CHRISTIAN R. ANDERSON 600 HIDDEN RIDGE DRIVE MAILCODE HQEO3HO1 IRVING, TX 75038			CHAMPAGNE, DONALD	
		ART UNIT		PAPER NUMBER
		3622		28
DATE MAILED: 11/13/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/282,764	PONTE ET AL.
	Examiner Donald L. Champagne	Art Unit 3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 August 2003.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 6-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 6-25 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 31 March 1999 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_ .  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ .                                   |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application on 22 April 2003, after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission has been entered.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 14, 23 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

At claim 14, line 2, "said documents" lacks antecedent basis. This rejection can be satisfied by replacing, at line 5 in claim 6, "with multiple categories" with -- with multiple categories including said at least one category, --.

Similarly at claim 23, line 2, "said documents" lacks antecedent basis. This rejection can be satisfied by replacing, at line 6 in claim 15, "with multiple categories" with -- with multiple categories including said at least one category, --.

At claim 25 line 1, "The computer program product" lacks antecedent basis. This rejection can be satisfied by replacing "The computer program product" with -- The apparatus --.

### ***Claim Rejections - 35 USC § 102 and 35 USC § 103***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

Art Unit: 3622

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 6-11, 15-20 and 24-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Herz et al.

7. Herz et al. teaches (independent claims 6, 15 and 24) a method executed in a computer system, computer program product and apparatus for targeting advertisements, the method comprising: defining at least one category (*cluster*) as containing *target object documents* that may be retrieved (col. 7 lines 50-51 and col. 8 lines 48-49 and 58-59); presenting a *hierarchical cluster tree* (col. 63 line 63), which reads on associating at least one *cluster* (supercategory) with multiple *subclusters* (categories) by mapping the multiple categories to the at least one supercategory; letting the associating the *target object document* be the description of a product being sold (col. 9 lines 12-13), which reads on advertising, said *target object document/advertising* being part of a *cluster* (noted above), which reads on associating an ad with at least one of said *clusters/supercategories*; the user determining the *goal* of a user search query (col. 63 line 67), which reads on determining at least one term associated with a user search query; determining a first of said at least one *cluster/supercategory* (col. 64 lines 2-3) based on at least one *goal/term* of said user search query and said multiple *subclusters/categories* of the at least one *cluster/supercategory* (col. 64 lines 4-5); and displaying a *target object/advertisement* associated with said first *cluster/supercategory* (col. 5 lines 60-61; col. 60 lines 2-3 and 37-38; and col. 67 line 39).

8. Herz et al. also teaches: claims 7, 16 and 25 (Fig. 7, described at col. 24 lines 12-45); claims 8, 17, 10 and 19 (col. 9 lines 63-66 and col. 15 lines 56-67, where *attributes* reads on "additional terms", and said terms/*attributes* are associated with objects as well as queries,

Art Unit: 3622

and therefore associated with *clusters/categories*); claims 9 and 18 (col. 9 lines 15-17); and claims 11 and 20 (Fig. 16).

9. Claims 12-14 and 21-23 are rejected under 35 U.S.C. 103(a) as being obvious over Herz et al.

10. Herz et al. does not teach (claims 12 and 21) determining a geographic area that is a search term. Because many of the example target objects (col. 9 lines 5-50) entail geography (e.g., a user seeking an employer would be interested in the employer's geographic location), it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add determining a geographic area that is a search term to the teachings of Herz et al.

11. Herz et al. does not teach (claims 13-14 and 22-23) forming a banner ad term list. Because the reference does teach online targeted advertising (col. 7 lines 6-7), and banner ads are a common form of online advertising, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to apply Herz et al. to banner ads as target objects, which reads on forming a banner ad term list.

### ***Conclusion***

12. **COPY of REFERENCES** - Applicant is entitled to receive a copy of every reference cited by the examiner (except at allowance; MPEP 707.05(a)). Applicant should contact the examiner if a completed form PTO-892 is enclosed, but the cited references are not.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L Champagne whose telephone number is 703-308-3331. The examiner can normally be reached from 6:30 AM to 5 PM ET, Monday to Thursday. The examiner can also be contacted by e-mail at [donald.champagne@uspto.gov](mailto:donald.champagne@uspto.gov), and *informal* fax communications (i.e., communications not to be made of record) may be sent directly to the examiner at 703-746-5536.

14. The examiner's supervisor, Eric Stamber, can be reached on 703-305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

Art Unit: 3622

**15. ABANDONMENT** – If examiner cannot by telephone verify applicant's intent to continue prosecution, the application is subject to abandonment six months after mailing of the last Office action. The agent, attorney or applicant point of contact is responsible for assuring that the Office has their telephone number. Agents and attorneys may verify their registration information including telephone number at the Office's web site, [www.uspto.gov](http://www.uspto.gov). At the top of the home page, click on Site Index. Then click on Agent & Attorney Roster in the alphabetic list, and search for your registration by your name or number.

Donald L. Champagne  
Examiner  
Art Unit 3622

9 November 2003

A handwritten signature in black ink, appearing to read "Donald L. Champagne". It is written in a cursive style with a long, sweeping line extending from the left side of the signature towards the bottom right.